ENGROSSED
HOUSE BILL No. 1230

DIGEST OF HB 1230 (Updated February 21, 2002 12:44 PM - DI 87)

Citations Affected: IC 36-4.

Synopsis: Annexation. Allows municipalities to exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification. Requires territory annexed by Avon, Plainfield, Danville, and Brownsburg in Hendricks County to be contained within one township. (Under current law, territory annexed by Avon and Plainfield in Hendricks County is required to be contained in one township.) Updates population parameters to reflect changes in the 2000 decennial census.

Effective: July 1, 2002.

Whetstone, Stevenson
(SENATE SPONSORS — GARD, LAWSON C)

January 10, 2002, read first time and referred to Committee on Local Government.
January 30, 2002, reported — Do Pass.
February 4, 2002, read second time, amended, call withdrawn. Reread second time, ordered engrossed.
February 5, 2002, engrossed. Read third time, passed. Yeas 88, nays 6.
SENATE ACTION
February 11, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 21, 2002, amended, reported favorably — Do Pass.

EH 1230—LS 6586/DI 87+

February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in this style type.
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED
HOUSE BILL No. 1230

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

```
1      SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001,
2   SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3   JULY 1, 2002]: Sec. 4.1. (a) This section applies to the following:
4          (1) A municipality having a population of:
5              (A) more than ten thousand (10,000) but less than fifteen
6              thousand (15,000); or
7              (B) more than four thousand (4,000) but less than four
8              thousand two hundred fifty (4,250);
9          located in a county having a population of more than seventy-five
10         thousand (75,000) but less than seventy-eight thousand (78,000).
11         (2) A municipality having a population of more than thirty-three
12         thousand (33,000) but less than thirty-three thousand eight
13         hundred fifty (33,850) located in a county having a population of
14         more than one hundred seven thousand (107,000) but less than
15         one hundred eight thousand (108,000).
16         (3) A municipality that is located in a county having a population
17         of more than four hundred thousand (400,000) but less than seven
```

EH 1230—LS 6586/DI 87+

1   hundred thousand (700,000).
2   (4) A town having a population of more than five thousand
3   (5,000) but less than six thousand (6,000) located in a county
4   having a population of more than one hundred eight thousand
5   (108,000) but less than one hundred eight thousand nine hundred
6   fifty (108,950).
7   (b) **(a)** Except as provided in subsection (c), **(b),** the legislative body
8   of a municipality to which this section applies may, by ordinance,
9   annex territory that:
10   (1) is contiguous to the municipality; **and**
11   (2) in the case of a municipality described in subsection (a)(1),
12   has its entire area within the township within which the
13   municipality is primarily located; and
14   (3) **(2)** is owned by a property owner who consents to the
15   annexation.
16   (c) Subsection (b)(2) does not apply to a municipality having a
17   population of:
18   (1) more than six thousand (6,000) but less than six thousand five
19   hundred (6,500); or
20   (2) more than eight thousand seven hundred (8,700) but less than
21   eight thousand nine hundred (8,900);
22   in a county having a population of more than four hundred thousand
23   (400,000) but less than seven hundred thousand (700,000).
24   **(b) This subsection applies to a municipality having a population**
25   **of more than:**
26   **(1) fifteen thousand (15,000);**
27   **(2) five thousand (5,000) but less than six thousand three**
28   **hundred (6,300);**
29   **(3) ten thousand (10,000) but less than fifteen thousand**
30   **(15,000); or**
31   **(4) six thousand three hundred (6,300) but less than ten**
32   **thousand (10,000);**
33   **located in a county having a population of more than one hundred**
34   **thousand (100,000) but less than one hundred five thousand**
35   **(105,000). In addition to fulfilling the requirements set forth in**
36   **subsection (a), the entire area of the territory that the municipality**
37   **proposes to annex must be located within the township within**
38   **which the municipality is primarily located.**
39   (d) **(c)** Territory annexed under this section is exempt from all
40   property tax liability under IC 6-1.1 for municipal purposes for all
41   portions of the annexed territory that is classified for zoning purposes
42   as agriculture and remains exempt from the property tax liability while

EH 1230—LS 6586/DI 87+

1   the property's zoning classification remains agriculture.

2   ~~(c)~~ **(d)** There may not be a change in the zoning classification of

3   territory annexed under this section without the consent of the owner

4   of the annexed territory.

EH 1230—LS 6586/DI 87+

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 12, nays 2.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15.1. (a) This section applies to an annexation that is initiated by a municipality under this chapter and either:**

(1) the later of the:

(A) judgment of the circuit or superior court; or

(B) final disposition of all appeals to a higher court;

is adverse to annexation; or

(2) the municipality abandons the annexation.

(b) The circuit or superior court having jurisdiction over the annexation shall order the municipality that initiated the annexation to reimburse the owner or owners of the property within the area proposed to be annexed an amount sufficient to reimburse the owner or owners of property for reasonable:

(1) costs;

(2) expenses;

(3) attorney's fees;

(4) appraisal fees; and

(5) engineering fees;

actually incurred because of the annexation proceedings.".

(Reference is to HB 1230 as printed January 31, 2002.)

MOCK

EH 1230—LS 6586/DI 87+

COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, strike "(a) This section applies to the following:".

Page 1, strike line 4.

Page 1, line 5, strike "(A) more than".

Page 1, line 5, strike "fifteen".

Page 1, line 6, strike "thousand (15,000);".

Page 1, line 7, strike "(B) more than".

Page 1, line 8, delete "five thousand (5,000) but".

Page 1, delete lines 9 through 11.

Page 1, line 12, strike "located in a county having a population of more than".

Page 1, line 13, delete "(78,000)" and insert "(78,000).".

Page 1, delete lines 14 through 15.

Page 1, line 16, strike "(2) A municipality having a population of more than".

Page 2, line 1, delete "thirty-two thousand eight hundred".

Page 2, line 2, delete "(32,800) but less than thirty-three thousand (33,000)".

Page 2, line 2, strike "located in".

Page 2, line 3, strike "a county having a population or more than".

Page 2, line 5, delete "one hundred ten thousand (110,000) but less than".

Page 2, delete line 6.

Page 2, strike lines 7 through 9.

Page 2, line 10, strike "(4) A town having a population of more than".

Page 2, line 11, delete "nine thousand (9,000)".

Page 2, line 12, delete "but less than thirty thousand (30,000)".

Page 2, line 12, strike "located in county".

Page 2, line 13, strike "having a population of more than".

Page 2, line 15, delete "one hundred eighty thousand (180,000) but less".

Page 2, delete lines 16 through 17.

Page 2, line 18, strike "(b)" and insert "**(a)**".

Page 2, line 18, strike "(c)," and insert "**(b),**".

Page 2, line 19, strike "to which this section applies".

Page 2, line 21, after "municipality;" insert "**and**".

EH 1230—LS 6586/DI 87+

Page 2, strike lines 22 through 24.
Page 2, line 25, strike "(3)" and insert "**(2)**".
Page 2, strike lines 26 through 27.
Page 2, line 28, strike "(1) more than".
Page 2, line 29, delete "(6,500)" and insert "~~(6,500);~~".
Page 2, line 29, delete "five thousand (5,000) but less than eight".
Page 2, line 30, delete "thousand (8,000);".
Page 2, line 30, strike "or".
Page 2, line 31, strike "(2) more than".
Page 2, line 32, delete "(8,900)" and insert "~~(8,900);~~".
Page 2, line 32, delete "nine thousand (9,000) but".
Page 2, line 33, delete "less than twelve thousand five hundred (12,500)".
Page 2, line 33, strike "in a county".
Page 2, line 33, block left beginning with "in".
Page 2, strike lines 34 through 35.
Page 2, between lines 35 and 36, begin a new paragraph and insert:
"**(b) This subsection applies to a municipality having a population of more than:**
(1) fifteen thousand (15,000);
(2) five thousand (5,000) but less than six thousand three hundred (6,300);
(3) ten thousand (10,000) but less than fifteen thousand (15,000); or
(4) six thousand three hundred (6,300) but less than ten thousand (10,000);
located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000). In addition to fulfilling the requirements set forth in subsection (a), the entire area of the territory that the municipality proposes to annex must be located within the township within which the municipality is primarily located.".
Page 2, line 36, strike "(d)" and insert "**(c)**".
Page 2, line 41, strike "(e)" and insert "**(d)**".
Page 3, delete lines 2 through 21.

and when so amended that said bill do pass.

(Reference is to HB 1230 as reprinted February 5, 2002.)

MERRITT, Chairperson

Committee Vote: Yeas 5, Nays 2.

EH 1230—LS 6586/DI 87+